

WP

Ordinance No. 110179

AN ORDINANCE relating to the Seattle Criminal Code and to weapons control; adding a new Section 12A.14.075 to the Seattle Municipal Code to make unlawful the use of weapons to intimidate another, and amending Section 12A.14.080 of the Seattle Municipal Code relating to unlawful use of weapons; and declaring the emergency therefor.

10-7-81 PS&J PASS

COMPTROLLER
FILE NUMBER _____

Council Bill No. 102536

INTRODUCED: AUG 31 1981	BY: <i>Exec.</i>
REFERRED: AUG 31 1981	TO: <i>PS&J</i>
REFERRED:	
REFERRED:	
REPORTED: OCT 12 1981	SECOND READING: OCT 12 1981
THIRD READING: OCT 12 1981	SIGNED: OCT 12 1981
PRESENTED TO MAYOR: OCT 13 1981	APPROVED: OCT 14 1981
RETD. TO CITY CLERK: OCT 14 1981	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

CBS 8.1.97

OK

WP

Ordinance No. 110179

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ORDINANCE 110179

AN ORDINANCE relating to the Seattle Criminal Code and to weapons control; adding a new Section 12A.14.075 to the Seattle Municipal Code to make unlawful the use of weapons to intimidate another, and amending Section 12A.14.080 of the Seattle Municipal Code relating to unlawful use of weapons; and declaring the emergency therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 12A.14 of the Seattle Municipal Code is amended by adding thereto a new Section 12A.14.075 as follows:

Section 12A.14.075 Unlawful Use of Weapons to Intimidate Another.

A. It shall be unlawful for any person to carry, exhibit, display or draw any dangerous knife or deadly weapon in a manner, under circumstances, and at a time and place that manifest an intent to intimidate another person.

B. Subsection (A) of this section shall not apply to or affect the following:

1. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
2. Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
3. Any person making or assisting in making a lawful arrest for the commission of a felony; or
4. Any person engaged in military activities sponsored by the federal or state governments.

1 Section 2. Section 12A.14.080 of the Seattle Municipal
2 Code (Section 12A.17.140 of Ordinance 102843 as last amended
3 by Ordinance 108814), is further amended as follows:

4 Section 12A.14.080. Unlawful Use of Weapons.

5 It is unlawful for a person knowingly to:

6 A. Sell, manufacture, purchase, possess or carry any
7 blackjack, sand-club, metal knuckles, switchblade knife, chako
8 sticks, or throwing stars; or

9 B. Carry concealed on his person (~~((or-in-any-vehicle))~~)
10 any dangerous knife or deadly weapon (~~((except-as-otherwise~~
11 ~~provided-in-subsection-C))~~ other than a pistol; (~~((or-to-sell~~
12 ~~or-give-away-to-any-person-under-eighteen-years-of-age-any~~
13 ~~dangerous-knife-or-deadly-weapon,-or-for-any-such-person-to~~
14 ~~purchase-or-possess-any-such-dangerous-knife-or-deadly-weapon))~~
15 provided, that a dangerous knife carried openly in a sheath
16 suspended from the waist of a person is not concealed within
17 the meaning of this sub-section; or

18 C. Carry a loaded pistol in any vehicle or carry a
19 pistol concealed on his person, except when in his place of
20 abode or fixed place of business, without a license therefor
21 as provided in RCW Chapter 9.41 and Section 12A.14.030; or

22 D. Sell or give away to any person under eighteen years
23 of age any dangerous knife or deadly weapon, or for any person
24 under eighteen years of age to purchase any dangerous knife
25 or deadly weapon, or for any person under eighteen years of
26 age to possess any dangerous knife or deadly weapon except
27 when under the direct supervision of an adult; or

28 ((D)) E. Set a spring gun; or

((E)) F. Use any device or attachment of any kind
designed, used or intended for use in silencing the noise
of any firearm; or

((F)) G. Sell, purchase, possess or carry any gas
pen, gas pencil, gas bomb or gas pistol.

1 Section 3. There is currently a substantial risk to the public
2 safety of the citizenry because the Seattle Police Department is
3 unable to prevent people from carrying dangerous weapons and is
4 unable to prevent people from using dangerous weapons to intimidate
5 others. This is because two King County Superior Court Judges have
6 found Section 12A.14.080 to be unconstitutional. As a result, the
7 City's cases in which individuals have been charged with the
8 unlawful use of weapons and those cases in which individuals
9 will be charged with the unlawful use of weapons are in serious
10 jeopardy of being dismissed. Now, Therefore, in accordance
11 with the above-stated facts and the emergency which is hereby
12 declared to exist, this ordinance shall become effective
13 immediately upon the approval of or signing of the same by
14 the Mayor or by passage over his veto as provided by the
15 Charter of the City.

16 PASSED by three-fourths vote of all the members of
17 the City Council the 12th day of October, 1981,
18 and signed by me in open session in authentication of its
19 passage this 12th day of October, 1981.

20 [Signature]
President of the City Council

21 Approved by me this 14 day of October, 1981.

22 [Signature]
Mayor

23 Filed by me this 14 day of October, 1981.

24 ATTEST: [Signature]
25 City Comptroller and City Clerk

26 By: [Signature]
Deputy

27 (SEAL)

28 Published _____

Issue: 1100 pages is Central

Date/Time: 10-7-81

File/Bill: C.B. 102536 item 4

PLEASE PRINT

ROSTER OF SPEAKERS FOR PUBLIC HEARING

[illegible]

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

44

September 4, 1981

Councilman Sam Smith
Seattle City Council
City of Seattle

Dear Councilman Smith:

Attached is the engrossed bill which would amend the Weapons Control Ordinance. I deleted the reference to carrying pistols in a holster per your request.

Thank you for agreeing to hold a hearing on this ordinance on such short notice.

Yours very truly,

For the Law Department



Gordon J. Campbell
Assistant City Attorney

GJC:bdb

12A.10.100 CRIMINAL CODE

be guilty of a violation as defined in Section 12A.02.080.
(Ord. 108867 § 1, 1980: Ord. 108814 § 9, 1980: Ord. 102843 § 12A.12.140, 1973.)

Chapter 12A.12

OFFENSES AGAINST PUBLIC ORDER

Sections:

12A.12.010 Disorderly conduct.

12A.12.010 Disorderly conduct.

A. As used in this section "obstruct" means to render impassable and thereby subject passersby to unreasonable inconvenience or hazard.

B. A person is guilty of disorderly conduct if without lawful authority he knowingly:

1. Unreasonably disrupts any lawful assembly or meeting of persons; or

2. Obstructs pedestrian or vehicular traffic; and

3. Refuses or intentionally fails to cease such activity when ordered to do so by a police officer or additionally in the case of subsection B1 by the person in charge of the assembly or meeting.

(Ord. 108814 § 2, 1980: Ord. 102843 § 12A.16.020, 1973.)

Chapter 12A.14

WEAPONS CONTROL

Sections:

12A.14.080 Unlawful use of weapons.

12A.14.090 Affirmative defenses—Gas pens, gas pencils, gas bombs and gas pistols.

12A.14.100 Exemptions—Dangerous knives.

12A.14.110 Exemptions—Pistols.

12A.14.120 Exemptions—Chako sticks or throwing stars.

12A.14.080 Unlawful use of weapons.

It is unlawful for a person knowingly to:

A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club, metal knuckles, switchblade knife, chako sticks, or throwing

stars; or

B. Carry on his person or in any vehicle any dangerous knife or deadly weapon except as otherwise provided in subsection C or to sell or give away to any person under eighteen years of age any dangerous knife or deadly weapon, or for any such person to purchase or possess any such dangerous knife or deadly weapon; or

C. Carry a loaded pistol in any vehicle or carry a pistol on his person, except when in his place of abode or fixed place of business, without a license therefor as provided in RCW Chapter 9.41 and Section 12A.14.030; or

D. Set a spring gun; or

E. Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm; or

F. Sell, purchase, possess or carry any gas pen, gas pencil, gas bomb or gas pistol.
(Ord. 108814 § 3, 1980: Ord. 102843 § 12A.17.140, 1973.)

12A.14.090 Affirmative defenses—Gas pens, gas pencils, gas bombs and gas pistols.

The proscriptions of Section 12A.14.080F relating to gas pens, gas pencils, gas bombs, and gas pistols, shall not apply to:

A. Sales at wholesale; or

B. Peace officers or military personnel while in the performance of their official duties; or

C. Sales to a governmental agency; or

D. The sale to mail carriers, field personnel of the King County Department of Assessments, or public or private utility meter readers, or the purchase, possession or carrying by any such persons, of aerosol canister devices designed for the purpose of repelling attacks by dogs and other animals and containing and capable of emitting in spray form oleoresin of capsicum or other similar substance; or

E. The sale, by a person licensed to sell pistols in accordance with RCW 9.41.110, of Federal's Streamer No. 280 liquid tear gas repeater or similar liquid tear gas aerosol canister devices approved by the Chief of Police as safe against accidental firing and capable of only temporary disablement or impairment, to truck drivers, taxicab drivers, transit drivers, or other commercial drivers who regularly as part of their occupation carry cash or merchandise, or to the purchase, possession or carrying during working hours of such device by such

Your City, Seattle

Office of the Mayor
Charles Royer, Mayor



August 27, 1981

City Council
City of Seattle

Dear Honorable Members:

The attached ordinance would amend the Weapons Control Chapter of the Seattle Criminal Code. The amendments were drafted by a committee composed of representatives from the Police Department, Law Department, the Public Defender and my office.

Recently two King County Superior Court judges have declared Section 12A.14.080 of the Weapons Control Chapter unconstitutional. This section prohibits a person from "carrying on his person or in any vehicle any dangerous knife or deadly weapon." Although other Municipal and Superior Court judges have found this section to be constitutional, the aforementioned rulings have made enforcement increasingly difficult. Rather than appealing these rulings, the drafting committee decided that it would be preferable to amend this section to insure continuity of enforcement.

If adopted, the amendments would make it a misdemeanor for a person to carry concealed on his person any dangerous knife, deadly weapon or pistol. In addition, the amendments provide that "concealed" does not include "a dangerous knife carried openly in a sheath suspended from the waist" or "a pistol carried openly in a secure belt holster." The amendments also would allow a person under 18 years of age to possess a dangerous knife or deadly weapon only when under the direct supervision of an adult. Finally, the ordinance would add a new section to the Weapons Control Chapter. It would make it a misdemeanor to use a dangerous knife or deadly weapon in a manner which indicates an intent to intimidate another.

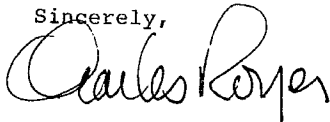
An equal employment opportunity - affirmative action employer.

City of Seattle—Office of the Mayor—12th Floor Municipal Building, Seattle, Washington 98104, (206) 625-4000

City Council
August 27, 1981
Page two

The members of the drafting committee all agree that this ordinance is preferable to the existing sections in the Weapons Control Chapter. It protects the constitutional rights of the citizenry and also provides an effective enforcement tool for the Seattle Police Department. Although the Police Department believes that an individual has a constitutional right to carry a pistol openly in a secure belt holster, the Department would prefer that this proviso in Section 12A.14.080 be deleted from the proposed ordinance. Their concern is that by including this proviso individuals would be more likely to engage in that conduct. Other than this specific concern by the Seattle Police Department, members of the drafting committee endorse this proposed ordinance and believe it should be passed expeditiously.

Sincerely,



Charles Royer

CR:tkn

Attachment

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on

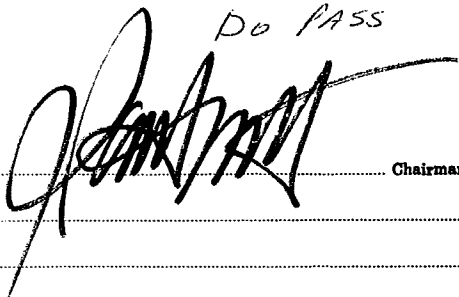
to which was referred

Date Reported
and Adopted

OCT 12 1981

C.B. 102536 Relating to the Seattle Criminal Code and to weapons control; adding a new Section 12A.14.075 to the Seattle Municipal Code to make unlawful the use of weapons to intimidate another, and amending Section 12A.14.080 of the Seattle Municipal Code relating to unlawful use of weapons; and declaring the emergency therefor.

DO PASS



Chairman

Chairman

Committee

Committee

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on

Urban Development and Housing

Date Reported
and Adopted

OCT 05 1981

to which was referred

C.B. 102538

Relating to and amending page 24-324 of the Seattle Municipal Code (Plat 37W, page 104 of the Official Zoning Map of The City of Seattle, Ordinance 86300) to rezone certain property located on the west side of 19th Avenue East between East Aloha Street and East Roy Street from Single Family Residence High Density (RS 5000) to Multiple Residence High Density (RMH-350) and accepting a Property Use and Development Agreement in connection therewith (Petition of Archdiocese of Seattle - G.P. 290326)

recommends that the same do pass with the title corrected to remove a typographical error.

[Signature]
Chairman

Chairman

Committee

Committee

ORDINANCE 116179

AN ORDINANCE relating to the Seattle Criminal Code and to weapons control; adding a new Section 12A.14.075 to the Seattle Municipal Code to make unlawful the use of weapons to intimidate another, and amending Section 12A.14.080 of the Seattle Municipal Code relating to unlawful use of weapons; and declaring the emergency therefor.

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Section 12A.14.075 Unlawful Use of Weapons to Intimidate Another.

A. It shall be unlawful for any person to carry, exhibit, display or draw any dangerous knife or deadly weapon in a manner, under circumstances, and at a time and place that manifest an intent to intimidate another person.

B. Subsection (A) of this section shall not apply to or affect the following:

1. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
2. Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
3. Any person making or assisting in making a lawful arrest for the commission of a felony; or
4. Any person engaged in military activities sponsored by the federal or state governments.

Section 2. Section 12A.14.080 of the Seattle Municipal Code (Section 12A.17.140 of Ordinance 102843 as last amended by Ordinance 108814), is further amended as follows:

Section 12A.14.080. Unlawful Use of Weapons.

It is unlawful for a person knowingly to:

A. Sell, manufacture, purchase, possess or carry any blackjack, sand club, metal knuckles, switchblade knife, chakos, or throwing stars; or

B. Carry concealed on his person ((or-in-any-vehicle)) any dangerous knife or deadly weapon ((except-as-otherwise-provided-in-subsection-C)) other than a pistol; ((or-to-sell-or-give-away-to-any-person-under-eighteen-years-of-age-any-dangerous-knife-or-deadly-weapon,-or-for-any-such-person-to-purchase-or-possess-any-such-dangerous-knife-or-deadly-weapon)) provided, that a dangerous knife carried openly in a sheath suspended from the waist of a person is not concealed within the meaning of this sub-section; or

C. Carry a loaded pistol in any vehicle or carry a pistol concealed on his person, except when in his place of abode or fixed place of business, without a license therefor as provided in RCW Chapter 9.41 and Section 12A.14.030; or

D. Sell or give away to any person under eighteen years of age any dangerous knife or deadly weapon, or for any person under eighteen years of age to purchase any dangerous knife or deadly weapon, or for any person under eighteen years of age to possess any dangerous knife or deadly weapon except when under the direct supervision of an adult; or

((B)) E. Set a spring gun; or

((B)) F. Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm; or

((B)) G. Sell, purchase, possess or carry any gas pen, gas pencil, gas bomb or gas pistol.

Section 3. There is currently a substantial risk to the public safety of the citizenry because the Seattle Police Department is unable to prevent people from carrying dangerous weapons and is unable to prevent people from using dangerous weapons to intimidate others. This is because two King County Superior Court Judges have found Section 12A.14.080 to be unconstitutional. As a result, the City's cases in which individuals have been charged with the unlawful use of weapons and those cases in which individuals will be charged with the unlawful use of weapons are in serious jeopardy of being dismissed. Now, Therefore, in accordance with the above-stated facts and the emergency which is hereby declared to exist, this ordinance shall become effective immediately upon the approval of or signing of the same by the Mayor or by passage over his veto as provided by the Charter of the City.

PASSED by three-fourths vote of all the members of the City Council the 12th day of October, 1981, and signed by me in open session in authentication of its passage this 12th day of October, 1981.

Carl Krueger
President of the City Council

Approved by me this 10 day of October, 1981.

Quintus Roper
Mayor

Filed by me this 14 day of October, 1981.

ATTEST: *J. J. Free*
City Comptroller and City Clerk

By: *Thomas J. Free*
Deputy

(SEAL)

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, October 19, 1981. (C-887)

ORDINANCE 110178

AN ORDINANCE relating to the Seattle Criminal Code and to weapons control; adding a new Section 12A.14.075 to the Seattle Municipal Code to make unlawful the use of weapons to intimidate another, and amending Section 12A.14.080 of the Seattle Municipal Code relating to unlawful use of weapons; and declaring the emergency therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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Section 12A.14.075 Unlawful Use of Weapons to Intimidate Another.

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B. Subsection (A) of this section shall not apply to or affect the following:

1. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
2. Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
3. Any person making or assisting in making a lawful arrest for the commission of a felony; or
4. Any person engaged in military activities sponsored by the federal or state governments.

Section 2. Section 12A.14.080 of the Seattle Municipal Code (Section 12A.17.140 of Ordinance 102843 as last amended by Ordinance 108814), is further amended as follows:

Section 12A.14.080. Unlawful Use of Weapons.

It is unlawful for a person knowingly to:

A. Sell, manufacture, purchase, possess or carry any blackjack, sand club, metal knuckles, switchblade knife, chaco sticks, or throwing stars; or

B. Carry concealed on his person ((or-in-any-vehicle)) any dangerous knife or deadly weapon ((except-as-otherwise-provided-in-subsection-c)) other than a pistol, ((or-to-sell-or-give-away-to-any-person-under-eighteen-years-of-age-any-dangerous-knife-or-deadly-weapon,-or-for-any-such-person-to-purchase-or-possess-any-such-dangerous-knife-or-deadly-weapon)) provided, that a dangerous knife carried openly in a sheath suspended from the waist of a person is not concealed within the meaning of this sub-section; or

C. Carry a loaded pistol in any vehicle or carry a pistol concealed on his person, except when in his place of abode or fixed place of business, without a license therefor as provided in RCW Chapter 9A.1 and Section 12A.14.030; or

D. Sell or give away to any person under eighteen years of age any dangerous knife or deadly weapon, or for any person under eighteen years of age to purchase any dangerous knife or deadly weapon, or for any person under eighteen years of age to possess any dangerous knife or deadly weapon except when under the direct supervision of an adult; or

((B)) E. Set a spring gun; or

((B)) F. Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm; or

((F)) G. Sell, purchase, possess or carry any gas pen, gas pencil, gas bomb or gas pistol.

Section 3. There is currently a substantial risk to the public safety of the citizenry because the Seattle Police Department is unable to prevent people from carrying dangerous weapons and is unable to prevent people from using dangerous weapons to intimidate others. This is because two King County Superior Court Judges have found Section 12A.14.080 to be unconstitutional. As a result, the City's cases in which individuals have been charged with the unlawful use of weapons and those cases in which individuals will be charged with the unlawful use of weapons are in serious jeopardy of being dismissed. Now, Therefore, in accordance with the above-stated facts and the emergency which is hereby declared to exist, this ordinance shall become effective immediately upon the approval of or signing of the same by the Mayor or by passage over his veto as provided by the Charter of the City.

PASSED by three-fourths vote of all the members of the City Council the 12th day of October, 1981, and signed by me in open session in authentication of its passage this 12th day of October, 1981.

Approved by me this 14 day of October, 1981.

Filed by me this 14 day of October, 1981.

ATTEST: Tim Hill
City Comptroller and City Clerk

By: Thomas J. Hill
Deputy

(SEAL)

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, October 19, 1981. (C-887)

C-887

Affidavit of Publication

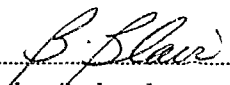
STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

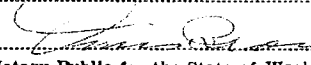
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 110179

.....
was published on October 19, 1981
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.....
Subscribed and sworn to before me on

October 19, 1981
.....
.....


.....
Notary Public for the State of Washington,
residing in Seattle.